

**City of Somerville, Massachusetts**  
**Board of Health Meeting Minutes**  
**November 13, 2003**

Present: Dr. David Osler, M.S., Chairman  
Cecilia Sosa-Patterson, Member  
Arnold Duclersaint, Member  
Jack Vondras, Director  
Cesar Pungirum, Tobacco Control Program  
Eileen Sullivan, Mass. Dept. of Public Health, Tobacco Control Program

Meeting called to order at 4:30 p.m.

**ACCEPT MINUTES:**

Ms. Sosa-Patterson clarified the minutes of October 9, 2003, indicating that community groups that meet with the Board of Health will do so on all areas covered by the Board of Health, and that representatives that will come to the future BOH meeting will represent over six different community groups. Motion made to move to accept minutes of October 9, 2003. Seconded. Three verbal affirmative votes.

**CLEAN AIR WORKS:**

Mr. Pungirum created a proposed change to the regulations to include mandatory posting of "no smoking" signs by adding a paragraph that mandates every person having control of the premises where smoking is prohibited to conspicuously display at the entrance and within the premises "no smoking" signs, or the international no smoking symbol which is a cigarette enclosed within a red circle with a red line crossing through it.

Mr. Pungirum presented documentation to the board that will adequately indicate which Board members voted for what smoking regulations on the 10<sup>th</sup> of July. There are spaces for members to sign to clearly indicate who voted for what. This is clarification only and is part of the guidelines for enforcement.

If the Board were to pass the "no smoking sign" additional regulation, businesses will be notified and will have 30 days in which to comply.

A vote to accept the proposed regulation regarding mandatory posting of "no smoking" signs was taken and passed with three affirmative votes. The signature process occurred.

Mr. Pungirum updated the Board on compliance issues. He visited 25 of the 39 and all were in compliance. The office received 4 complaints. One was for Mama Lisa's Café and they indicated they would post a sign. Someday Café had patrons smoking outside and smoke was blowing in through an open door. Cesar discussed this with them and they agreed to close the door. Pat's Towing had employees smoking inside the premises. We received a complaint about Saco's Bowling. An employee wanted to smoke something other than cigarettes and they weren't sure if that was ok or not according to the regulations. Cesar recommended they not allow any smoking of any kind, which

would avoid any ambiguity and they agreed to that. No fines were issued in Somerville or in Cambridge.

Dr. Osler asked if Mr. Pungirum had noticed reduced patronage at establishments. He mentioned visiting Casey's after the smoking ban enactment and that the establishment was packed. Mr. Pungirum visited a few places that told him patronage was down the second time he visited. They weren't sure if it was related to the fact that the Red Sox series was over, or it was smoking ban related. He believes it is too early to make this determination.

A few establishments asked whether the city of Somerville was willing to provide outside cigarette receptacles. The Director asked how much they cost, to which Cesar indicated he would investigate. There is a budgetary issue however, and because funds from the grant have to pay for the hiring process of a part-time enforcement officer, little is left for this type of expenditure, but there may be unspent money from the hiring.

The Board of Aldermen has asked Jack Vondras, Director of the Health Department, to attend this evening's meeting to provide information on the no smoking ordinance. Mr. Pungirum will accompany him. There is a bill that has passed the House and is now in the Senate. Twenty-nine (29) of the 40 votes are secured and the vote should happen next week. A handful of Somerville restaurant and bar owners have retained the services of an attorney, who Cesar spoke with yesterday. The business owners will appear before the Board of Aldermen this evening. Jack was asked to appear before the board merely to explain the regulations. This was considered a standard request. It now appears that this is not the case. At this evening's Board of Aldermen meeting, it is expected that the Board will ask if the Board of Health could relax the regulations until the state initiative is implemented. The Director will be asked to respond to this, this evening. A number of businesses will attend the meeting. A member of the Legal Department will also be present at the meeting for observation. If a legal opinion is required, it will come from the Legal Department at a later date.

Dr. Osler asked if the State initiative included prohibition of smoking in private clubs, to which Mr. Pungirum and Mr. Vondras indicated in the negative.

The attorney representing the bars and restaurants that Mr. Cesar Pungirum spoke with indicated that it is unfair that bars and restaurants will lose business to surrounding communities. Cesar mentioned that Medford is basically a dry town and that Malden is far away and not a real alternative to Somerville patronage.

So at this point we do not know exactly what the bar and restaurant owners are looking for. It was discussed that Dr. Osler's attendance at the Alderman meeting could be strategic because he is a physician, could provide a calming influence because he has been a Board of Health member for a long period of time, and can provide medical information.

Ms. Sosa-Patterson has visited many restaurants and hasn't noticed any reduction in patronage volume in the places she frequents. She has also heard that people are happy about the ban because they are able to take their children with them and not worry about smoke exposure. She also mentioned that the implementation committee agreed to have a meeting after the ban was imposed, in order to go over the process that was undertaken for implementation of the ban. She feels now is a good time to have this meeting.

Dr. Osler mentioned that one way the Cambridge Health Alliance is able to encourage participants at functions is to invite people to bring their children to events. Events are billed as non-smoking events and people are encouraged to bring children.

#### OLD BUSINESS:

None.

#### NEW BUSINESS:

Mr. Vondras said the Department, in conjunction with the Treasurers office, has identified the establishments who have not paid their delinquent taxes. Some are on payment plans. Of the 700 licenses for food establishments, 20 are presently not in compliance. We are about to inform them that they will lose their licenses because they have not paid taxes. Because their license will be inactive, they will qualify for a hearing before the Board of Health. The Solicitor's office said that the hearing has to be in front of the Board because the Board has the power to hear cases and the Director does not. We are drafting language now to offer them a choice of compliance or a hearing.

Cecilia asked if there was a grace period for establishments who wanted to come into compliance to do so. Mr. Vondras indicated in the affirmative. Grace period length of time is undetermined at this time. The back-taxes due range from \$2,000 to \$40,000 per case, so some will not be able to come into compliance. The Board will be given documentation about the case, will hear the case, and make the appropriate disposition. The Health Department has collected a great deal of money under this system, with many coming into compliance as a result. In the cases where the owner of the property is delinquent but the business is not, we have given businesses a year to work with their owners. But next year they will not receive a license. The revenue is received as general fund revenue for the city of Somerville.

The second item under new business is the Board Order by Aldermen Provost, White and Roche, asking that the Director of the Board of Public Health to devise and implement a comprehensive strategy for control of Somerville's rodent population. There have been a number of complaints received in the past few weeks, particularly from the East Somerville area. The Director has spoken with Health Department Inspector Selfridge who believes that it is not rats, but mice in the East Somerville area, because the rat bait is not being eaten. This problem is a result of the construction happening at the new Stop and Shop site.

Prior to commencing construction, contractors must show proof of extermination before the Health Department signs off on the permit application. The Health Department is prudently exterminating in his area and throughout the city. The director is looking at a new approach and he will put together a package for the Board to review within a month or two.

Dr. Osler suggested that the people complaining should be able to distinguish between a rat and a mouse. The Director indicated that if it moves, people call and make rodent complaints. Mr. Duclersaint asked how long rodent complaints have been occurring. The Director responded that the Health Department receives rodent calls on an on-going basis. Four months ago the Health Department exterminated the entire Davis Square area. We exterminated every single catch basin and sewer in the area. There were a number of businesses that had hidden areas that we weren't able to catch any other way. We have a new company exterminating in the City as a result of the State mandated open bid process. We are now working with the lowest bidder, bringing them up to speed, which has not been an easy process. We are investigating new methods of extermination, for example, going onto private property to exterminate. We are not allowed to go onto private property, but we want to ask property owners for their permission to go onto their property, and we are willing to pay for the extermination costs in an effort to get a head of the rate population that way.

Mr. Duclersaint asked how often we exterminate. Extermination occurs every week, currently performed on Tuesdays with a range of 5 to 20 areas being serviced weekly. Right now we are around 15, which is very high for us. Ms. Sosa-Patterson asked if only certain sections of the city are baited or if baiting occurs as a result of calls. The Director responded that we have mapped areas, for instance Pearl Street, the old Somerville lumber site, Davis Square, and Central Street. We continuously bait until activity ceases. Ms. Sosa-Patterson asked if we could do all areas at once to save costs. The Director indicated that the Health Department cannot afford to do the whole City. That would cost over \$50,000 and there is only about \$20,000 in this contract. With the new contractor we are putting poison in the borough holes. The rodents climb out of the hole, gets it on the fur and results in death. If rodents lose their food sources and move to another area we are able to capture them through the sewer line. Unfortunately Somerville has a veritable plethora of trash in the city, which provides a constant source of food for rodents and they do not need to feed from sewer bait. The only way we can comprehensively exterminate an area is by going onto private property and we need permission to do that from the property owners. Rodents only move about 15 yards, but once they've lost their food source they will begin to travel and while traveling we can catch them.

Date for Next meeting: December 11, 2003

Meeting adjourned at 6:00 p.m.

Yours truly,

Linda Dubuque